

Group of employers means a number of employers who seek to be considered together for the purpose of applying for a waiver under section 13(c)(4) of the Act.

Hand-harvest laborers means agricultural workers engaged solely in harvesting by hand soil grown crops such as but not limited to berries, potatoes, and beans, and as interpreted in § 780.312 of this chapter.

Outside school hours means such periods as determined by the school district of the minor's permanent residence. These periods include before or after school hours, holidays, summer vacation, Saturdays, Sundays, or any other days on which the school for the school district does not assemble.

Permanent residence means the place where the minor and the minor's parent or person standing in place of a parent reside year-round.

Secretary means the Secretary of Labor, United States Department of Labor, or an authorized representative of the Secretary.

Waiver means a letter signed by the Administrator advising the named employer or group of employers that 10 and 11 year old minors may be employed in the hand-harvesting of the specified short season crop or crops for the period designated, in accordance with the terms and conditions set forth in section 13(c)(4) of the Act and this part.

[43 FR 26562, June 21, 1978; 43 FR 28471, June 30, 1978]

§ 575.3 Application for waiver.

(a) An application for a waiver shall be filed with the Administrator of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor, Washington, DC 20210. To permit adequate time for processing, it is recommended that such applications be filed 6 weeks prior to the period the waiver is to be in effect.

(b) No particular form is prescribed. The application, which may be in letter form, shall be typewritten or clearly written and shall include the following information:

(1) The general information as described in § 575.4 of this part:

- (i) Name and address of employer or group of employers;
- (ii) Telephone number;
- (iii) Location of farm(s);
- (iv) Crop or crops to be hand harvested;
- (v) Whether payment is customarily paid on a piece rate basis;
- (vi) Requested period of waiver;
- (vii) Statement that such employment shall be outside school hours;
- (2) The objective data as required in § 575.5 of this part to show that:
 - (i) The crops have a short harvesting season;
 - (ii) Without 10 and 11 year olds the industry would suffer severe economic disruption;
 - (iii) Employment will not be deleterious to the health and well-being of 10 and 11 year olds;
 - (iv) The level of pesticides will not adversely affect 10 and 11 year olds;
 - (v) Individuals 12 years and over are not available for employment;
 - (vi) Employer or group of employers has traditionally used minors under 12 years and this will not displace employees 16 years or older.
- (c) The application shall be signed and dated by the employer or group of employers requesting the waiver or by the authorized representative of such employer or group.

(Approved by the Office of Management and Budget under control number 1215-0120)

[43 FR 26562, June 21, 1978, as amended at 47 FR 145, Jan. 5, 1982]

§ 575.4 Information to be included in application.

An application for a waiver pursuant to section 13(c)(4) of the Act shall contain the following information:

- (a) The name, address, and zip code of the employer, or each employer of a group of employers, and the authorized representative, if any, of an employer or group.
- (b) The telephone number and area code for any employer or authorized representative from whom additional information concerning the application may be obtained.
- (c) The address, location, and/or area (State, county, and/or other geographic designation), clearly identifying each employer's farm(s) or field(s) where 10